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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,505	07/31/2001	Jean-Pierre Rene Leon	01394/TL	4805

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EXAMINER

SCHIFFMAN, JORI

ART UNIT PAPER NUMBER

3679

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,505

Applicant(s)

LEON ET AL.

Examiner

Jori R. Schiffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 11, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Giannuzzi (US 5447005).

Regarding claim 1, Giannuzzi discloses a fastening device comprising a male part 23 and a female part 10 selectively inserted into bores passing through a stack of at least 2 panels 22, 21 in which the female part is an elastic clip formed by a cap 10 extended by a hollow foot having different minimum and maximum internal transverse dimensions, in which the male part comprises a head 24 extended by a barrel 23 being selectively inserted into the hollow foot through an opening 11 in the cap, and the fastener having an unlocked configuration in which the foot has a reduced transverse dimension (between the bottom of P1 and P2) and a locked configuration in which the foot is subjected by the barrel to a radial elastic expansion, and the cap is formed by a spring blade bent back on itself (col. 4, l. 7-11) and comprising at least one inner branch 10a joined on the hollow foot and one outer branch 10 into which the opening 11 of the cap is pierced, and in that the inner and outer branches are apart from one another at least for the unlocked position and include a gap between the inner and outer branches (see Fig. 6) which allows for an elastic deformation of at least part of the outer branch when the foot moves from its unlocked configuration to its locked configuration.

Referring to claim 2, Giannuzzi discloses the hollow foot comprising a plurality of prongs 12, 13 having respective attached ends by which these prongs are joined to the cap, and respective radially converging free ends which between them define the minimum internal transverse dimension of the foot.

As to claim 3, Giannuzzi discloses the male and female parts comprising at least first 23 and second 15, 17 respective surface features disposed facing one another for an

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extreme relative axial position of the male and female parts, selectively obtained by completely inserting the barrel into the foot.

Regarding claim 4, Giannuzzi discloses the first surface feature being formed by a radial protuberance, thread 23, of the barrel.

Regarding claim 11, Giannuzzi discloses the clip of the fastener being produced by cutting, bending, and heat treating a metal blank (col. 4, l. 7-11).

As to claim 12, Giannuzzi discloses the clip being made of steel (col. 4, l. 7-8).

Referring to claim 16, Giannuzzi discloses the head 24 pressing against the outer branch 10 for the locked configuration of the foot, and moving the inner and outer branches toward one another.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giannuzzi (US 5447005).

As to claims 19-22, the specific dimensions of the thickness of the stack of panels and bores in the panels would be recognized depending on the particular use of the invention.

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7. Claims 1, 3, 4, 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coules (US 4007516) in view of Peterson et al. (US 5709516).

Regarding claim 1, Coules discloses a fastening device comprising a male part 31 and a female part 11 selectively inserted into bores 32, 12 passing through a stack of at least 2 panels P, C in which the female part is an elastic clip formed by a cap 17 extended by a hollow foot having different minimum and maximum internal transverse dimensions, in which the male part comprises a head 31 extended by a barrel 36 being selectively inserted into the hollow foot through an opening 16 in the cap. Coules fails to disclose the cap being formed by a spring blade bent back on itself and comprising at least one inner branch joined on the hollow foot and one outer branch into which the opening of the cap is pierced, and in that the inner and outer branches are apart from one another at least for the unlocked position and are shaped as to allow for an elastic deformation of at least part of the outer branch when the foot moves from its unlocked configuration to its locked configuration. Peterson teaches a cap 20 formed by a spring blade bent back on itself and comprising an inner branch 28 and an outer branch 26 which are shaped so as to allow for elastic deformation of the outer branch. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify Coules' fastener by including the cap disclosed in Peterson because the presence of a cap as disclosed in Peterson would provide resiliency for a secure attachment of the panels.

As to claim 3, Coules discloses the male and female parts comprising at least first 39 and second 15 respective surface features disposed facing one another for an extreme

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relative axial position of the male and female parts, selectively obtained by completely inserting the barrel into the foot.

Regarding claim 4, Coules discloses the first surface feature being formed by a radial protuberance 39 of the barrel.

As to claims 9 and 10, Coules discloses at least two internal elastic tabs 18 (see Fig. 4) capable of applying pressure to the stack of panels in the locked configuration.

Regarding claim 15, Coules discloses the reduced diameter portion 36 of the barrel acting as a collar, which renders the male and female parts inseparable from each other.

8. Claims 2, 6-8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coules (US 4007516) in view of Peterson et al. (US 5709516) as applied to claim 1 above, and in further view of DeRobertis (FR 2464396).

Regarding claim 2, Coules' fastener as modified by Peterson fails to disclose a plurality of prongs with radially converging free ends that between them define the minimum internal transverse dimension of the foot. DeRobertis teaches a plurality of prongs with radially converging free ends that between them define the minimum internal transverse dimension of the foot to create a tighter connection between the male and female parts. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the prongs of Coules' fastener so the minimum dimension of the foot is located at the free ends as disclosed in DeRobertis to create a

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tighter connection between the male and female parts in the locked position so it is easier to insert the fastener into the hole.

As to claim 6, Coules discloses the second surface feature 15 at the free ends of the prongs.

Regarding claim 7, Coules discloses the prongs 13 being separated from one another by an open space for the unlocked configuration of the foot.

Referring to claim 8, Coules discloses the male and female parts comprising third 38 and fourth 19 respective surface features disposed facing one another for the locked configuration of the foot.

As to claim 13, Coules discloses the third and fourth surface features being constituted by an axial rib 38 of the barrel and by a corresponding cutout 19 of the cap.

Regarding claim 14, Coules discloses the third and fourth surface features being constituted by a recess of the head and a boss 18 of the cap.

9. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adell (US 4709525) in view of Coules (US 4007516).

Regarding claim 1, Adell discloses a cap formed by a spring blade bent back on itself 34 and comprising at least one inner branch 30 and one outer branch 40 into which the opening 50 of the cap is pierced, and in that the inner and outer branches are apart from one another at least for the unlocked position and are shaped as to allow for an elastic deformation of at least part of the outer branch when the foot moves from its unlocked configuration to its locked configuration. Adell fails to disclose the claimed

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fastener with male and female parts. Coules discloses the claimed fastener, as discussed above. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to replace the fastener 48 in Adell's device with the fastener of Coules since Coules' fastener is more efficient because it does not require screwing and can be pushed into the hole.

As to claim 17, Adell discloses the fastener passing through the outer branch 40 and coming to rest against the inner branch 30 of the cap for its locked configuration.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adell (US 4709525) in view of Coules (US 4007516) as applied to claims 1 and 17 above, and further in view of Kraus (US 6287043).

The modification of Adell with respect to Coules fails to disclose a second head of the male part that remains outside the outer branch in the locked configuration.

Double-headed fasteners are well known in the art as illustrated by Kraus. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the fastener of Adell as modified by Coules by adding a second head as disclosed in Kraus to facilitate installation and extraction of the fastener.

Allowable Subject Matter

11. Claim 5 appears to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to panel fasteners in general: U.S. Pat. No. 6280129 to Lowry et al., U.S. Pat. No. 5774949 to Cornell et al., U.S. Pat. No. 4630338 to Osterland et al., and U.S. Pat. No. 6209178 to Wiese et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
September 6, 2002


Flemming Sæther
Primary Examiner